

### Remarks

Applicant's invention concerns a finished product, a method and a kit for making that product. A latex wood filler is applied over a base coat of latex paint to which a crackle medium has been applied. The latex wood filler is water based. When it is applied to the crackle medium, the crackle medium contracts causing the wood filler to break up into islands. In between the islands of wood filler, the underlying base coat can be glimpsed. The result is a three-dimensional alligatored surface that simulates the finish on old pieces of furniture.

### The Office Action

#### Section 112 Rejection

To further define the "crackle medium" useful for applicant's purpose, the claims have been amended to require that the crackle medium be "adapted to contract when a water-based stain or paint is applied." It is no more necessary to provide the formula for a crackle medium than it is for latex paint. Both terms have art recognized meanings and both products are commercially available. "Crackle medium" is the generic term. One skilled in the art of crackle mediums would be able to provide a formulation. Eight suitable commercially available crackle mediums are identified in the application (page 3, lines 17-26). The examiner's attention is also invited to the enclosed results of a search made on [www.GOOGLE.com](http://www.GOOGLE.com) for "crackle medium" showing a number of other vendors. The number of manufacturers of crackle medium indicates that those skilled in the art of crackle mediums know how to make one. Those skilled in the art of furniture finishing need only select a crackle medium from crackle mediums readily commercially available.

Applicant's claims therefore satisfy the requirements of Section 112, second paragraph.

### Section 103 Rejections

#### Martinelli et al.

Applicant's claims 1-4 were rejected as unpatentable over U.S. patent No. 4,409,276 to Martinelli et al. when combined with three other references. It believed that the primary reference (Martinelli et al.) has been misconstrued as it relates to applicant's invention.

Martinelli et al. describes a way of finishing a metal surface. The metal surface is first grooved to provide a wood grain pattern. (In applicant's product, method and kit, an alligatored surface is produced, not a wood grain.) Martinelli et al. forms the grooves by "embossing, coining, or etching." (Column 2, line 33).

After the grooves are formed, Martinelli et al. applies an "acrylic resin film formed from an aqueous composition comprising an acrylic latex" (i.e., a latex paint, Column 2, line 64) to which has been added a "filler." The filler is a "water insoluble extender pigment" (emphasis added, Column 2, lines 65-66). (In applicant's product, method and kit, latex paint is used as a base coat (reference number 16 in Fig. 3) and optionally as a top coat (reference number 28 in Fig. 3). A crackle medium is then applied over the base coat (reference number 18 in Fig. 3). After the crackle medium is dry, a latex wood filler is applied (reference number 20 in Fig. 3). The crackle medium contracts forming islands of wood filler which can be further treated with a top coat of stain or paint (reference number 28 in Fig. 3)).

Martinelli et al.'s latex paint and water insoluble extender pigment is not the same as the latex wood filler used in applicant's invention. Latex wood fillers are paste-like products typically used to fill nail holes, etc. in wood products.

Martinelli et al. does not disclose a "crackled" antique finish. Column 1, lines 41-60 pertain to U.S. patent No. 3,692,557. In that patent, a water soluble dye is applied to a surface, over which an acrylic/polyurethane emulsion is applied. The soluble dye bleeds through the acrylic/polyurethane layer giving a marbled effect, which the patentee describes as "crackled." Column 2, lines 15-19 and 31-65 and Example 1 of Martinelli et al. describe a metal surface that has been grooved and then treated with a latex paint containing a water-insoluble extender pigment. The word "crackled" does not appear in Martinelli et al. except with respect to discussing the prior art (i.e., U.S. patent No. 3,692,557).

#### Batistelli

U.S. patent No. 4,317,847 to Batistelli was combined with Martinelli et al. Since Martinelli et al. does not teach a crackle medium or a latex wood filler, the rejection breaks down. Batistelli teaches a painting technique where layers of paint (e.g., latex paint) are applied, the second over the first before the first is dry and a third over the second before the second is dry. By varying brush pressure and length of stroke, it is possible to obtain a streaked appearance simulating a wood grain. Applicant's product, method and kit relates to producing a product with an alligatored surface. Batistelli does not use a crackle medium or a latex wood filler.

### Gustafson

U.S. patent No. 4,046,934 to Gustafson was combined with Martinelli et al. and Batistelli to form a rejection under section 103(a). In Gustafson, paint (reference numeral 2) is applied to chipboard (reference number 1). A layer of wax (reference numeral 4) is applied over the paint. Cracks form in the paint and the wax allowing water vapor to escape. Gustafson does not use a crackle medium or a latex wood filler, nor does Martinelli et al. or Batistelli. Since the references lack the elements required in applicant's claims, the rejection under section 103(a) is overcome.

### Columbus et al.

U.S. patent No. 4,345,044 to Columbus et. al. was combined with the above-mentioned three patents as a basis for rejecting applicant's claim 4. Columbus et al. describes a latex wood filler sold by Borden, Inc. It is suitable for use in filling holes in wood. When the patch is dried, the latex wood filler can be sanded, stained or painted. Martinelli et al. describes a latex paint to which an insoluble pigment is added as a filler. Applicant does not mix the latex wood filler with the latex paint or with the crackle medium but layers these materials to achieve an alligatored, three-dimensioned surface.

### Matthews

U.S. patent No. 6,217,336 to Matthews was combined with the four above-mentioned patents as a basis for rejecting applicant's claims 8-10. Matthews describes a system for transferring a pattern to a wall to paint a mural. A painter then colors-in (i.e., paints) the design which has been transferred to the surface.

The kit consists of a main pattern sheet, a replacement pattern sheet that can be used to replace a figure on the main sheet and a set of coloring instructions. Suitable paints for the wall include latex paints. Matthews does not make use of a crackle medium or of a latex wood filler and is irrelevant to applicant's system for creating an alligatored surface on a piece of furniture or the like.

Other references

Applicant has considered the other references found by the examiner but since they do not teach or suggest her product, method or kit no discussion seems necessary.

In view of the above amendments and remarks, it is believed that the claims are in condition for allowance. Reconsideration of the application and allowance of the claims are respectfully requested.

Applicant also requests that the examiner acknowledge that she has considered the references cited by applicant in an Information Disclosure Citation filed with the application. It is noted that a copy of the Information Disclosure Citation with the examiner's initials was not returned with the Office action.

Respectfully submitted,



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### **Acrylic Paint - Brush Cleaner - Natural Hair Paintbrushes - ...**

Ceramcoat brush cleaner, natural hair paintbrushes, no-primer metal color acrylic

paint , crackle medium, waterbased, non-toxic, stencil brushes, varnish ...

[www.azwoodman.com/joann-paintsupplies.html](http://www.azwoodman.com/joann-paintsupplies.html) - [Similar pages](#)

### **Paint Mediums**

... **Paint Mediums**. These products are designed to enhance the way you use acrylic

paints. FolkArt® Crackle Medium. FolkArt® Crackle Medium, Pearlizing Medium. ...

[www.suziswoodcrafts.com/paintmediums.html](http://www.suziswoodcrafts.com/paintmediums.html) - 29k - [Cached](#) - [Similar pages](#)

### **Crackle Medium - Gallery Glass**

... You can create the look of textured, cracked glass with

**Crackle Medium**.

Simply paint your project with Window Color™ and let dry. ...

[www.suziswoodcrafts.com/cracmedgalgl.html](http://www.suziswoodcrafts.com/cracmedgalgl.html) - 18k - [Cached](#) -

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### **NETCRAFTS: Online Arts & Crafts Learn to Crackle**

... You will need the following tools: **Paint** brushes Light colored paint Dark colored paint **Crackle medium** Clear polyurethane finish Sand Paper (extra fine) Gold ...

[www.netcrafts.com/artnews/howto/016.html](http://www.netcrafts.com/artnews/howto/016.html) - 7k - [Cached](#) - [Similar pages](#)

### **Crafts Magazine Free Creative Projects**

... 3. Brush the second paint color over the **crackle medium** in smooth, even, strokes. ...

For larger cracks, brush on heavier coats of **crackle medium** and paint. ...

[www.craftsmag.com/projects/project.ihtml?content\\_id=412&cat\\_idx=7](http://www.craftsmag.com/projects/project.ihtml?content_id=412&cat_idx=7) - 21k - [Cached](#) - [Similar pages](#)

### **(PDF) Acrylic Paint Acrylic Metallic Paint Crackle Medium Textile ...**

File Format: PDF/Adobe Acrobat - [View as HTML](#)

... Orange ACR.52 Fluro Green ACR.53 **Crackle Medium** MED.01 Glass & Tile Textile Medium

Medium MED.02 ... ACR.54 Acrylic Varnish & Sealer Acrylic Paint Mediums Clear ...

[www.conicaldesigns.com/~semco/web%20layout/files/paints.pdf](http://www.conicaldesigns.com/~semco/web%20layout/files/paints.pdf) - [Similar pages](#)

### **DIY Article**

... Turn a new birdhouse into a weathered decoration, using paint and

**crackle medium**. Figure A Figure B Figure C The cracks will be ...

[www.diy.net.com/DIY/article/0,2058,1373,00.html](http://www.diy.net.com/DIY/article/0,2058,1373,00.html) - 25k - [Cached](#) - [Similar pages](#)

### **Paint Enhancers - Crackle Techniques**

... 1. Mix Mosaic **Crackle Medium** with acrylics or metallics according to the following ratios: Large Cracks: 2 parts Mosaic **Crackle Medium** to 1 part acrylic. ...

[www.paintingsurfaces.com/colors/techniques.htm](http://www.paintingsurfaces.com/colors/techniques.htm) - 7k - [Cached](#) - [Similar pages](#)

### **Pens, Markers, Craft Paint**

... Click Here For Price **Crackle Medium** is a clear "Painter's Helper" product that when mixed with acrylic paint is used to achieve the popular look of aged paint. ...

[www.hotshopspot.com/craftsupplies.shtml?showcat=Pens,%20Markers,%20Craft%20Paint](http://www.hotshopspot.com/craftsupplies.shtml?showcat=Pens,%20Markers,%20Craft%20Paint) - 22k - [Cached](#) -

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Art Supplies for Everyone.

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[dickblick.com](http://dickblick.com)

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#### **Old Fashioned Milk Paint**

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Olde Century Colors Products - Oil Base Formulas & Acrylic Latex ...  
... a top coat of **paint**. Your base can be almost any surface - stained, painted, or raw wood. Make sure this surface is clean before applying the **crackle medium**. ...  
[www.oldcenturycolors.com/tips.html](http://www.oldcenturycolors.com/tips.html) - 12k - [Cached](#) - [Similar pages](#)

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## OLDE CENTURY MILK PAINT

... 10.79. **Crackle Medium** Instructions. **Crackle** is a **medium** that has a mind ... Two very important things to remember: 1. This is only used with a water based **paint**.

...  
[www.woodnshop.com/Milk\\_Paint.htm](http://www.woodnshop.com/Milk_Paint.htm) - 39k - [Cached](#) - [Similar pages](#)

## Scraps Ahoy Layout Gallery - Crackle Medium & Acrylic Paint -

...  
 Scraps Ahoy Idol Contest Who Is Your Favorite??? ...  
[www.scrapsahoy.com/gallery/showgallery.php?cat=768&thumb=1](http://www.scrapsahoy.com/gallery/showgallery.php?cat=768&thumb=1) - 48k - [Cached](#) - [Similar pages](#)

## Lewiscraft - Product Listing

... Mix equal parts with acrylic **paint**. Non-toxic and safe to burn candle. 59ml/2oz bottle. **Crackle** And Fragile **Crackle Medium** **Crackle medium** gives projects a ...  
[www.lewiscraft.ca/products.phtml?selectedcat=Paint&selectedtype=Craft%20Acrylic](http://www.lewiscraft.ca/products.phtml?selectedcat=Paint&selectedtype=Craft%20Acrylic) - 25k - [Cached](#) - [Similar pages](#)

## DIY Article

... Weathered-Wood Birdhouse From "Patio Patterns and more" Episode DIC-146. Turn a new birdhouse into a weathered decoration, using **paint** and **crackle medium**. ...  
[www.diy.net.com/DIY/print/article/0,2058,1373,00.html](http://www.diy.net.com/DIY/print/article/0,2058,1373,00.html) - 9k - [Cached](#) - [Similar pages](#)  
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## Crackle Finish - Crackling Paint Techniques

... **crackle** finish! The **Crackle medium** is made to contract when a water base water-based stain or **paint** is applied ... Rockler Woodworking ...  
[www.growinglifestyle.com/h/improve/crackle/](http://www.growinglifestyle.com/h/improve/crackle/) - 11k - [Cached](#) - [Similar pages](#)

## Wild Jimbo's Proyo Crackle Painting Method

... If you didn't find it, go back to the store and root around until you find it. I use PLAID® FolkArt® **Crackle Medium** for Acrylic **Paint**. ...  
[www.yoyoing.com/wildjimbo/wjpci/](http://www.yoyoing.com/wildjimbo/wjpci/) - 12k - [Cached](#) - [Similar pages](#)

## Crackle & Crackling Mediums

... to brush between coats of JoSonja® Artist Colors to provide a weathered, crackled appearance like that of aged **paint**. JoSonja's® Decor **Crackle Medium** 2 oz. ...  
[www.toile-expressions.com/supplies/crackle\\_mediums.html](http://www.toile-expressions.com/supplies/crackle_mediums.html) - 12k - [Cached](#) - [Similar pages](#)

## ProFaux.com - ProFaux Workshops - Step-By-Step Spaccature - ...

Materials List: • ProFaux Pro-Metallic-Copper **Paint** • ProFaux **Crackle Medium** • Blue Steel Spatulas • Pro-Sandstone Base Paste - Data Sheet • ProFaux ...  
[www.profaux.com/sbs/sbs\\_plastercrackle.htm](http://www.profaux.com/sbs/sbs_plastercrackle.htm) - 34k - [Cached](#) - [Similar pages](#)

## BHG Australia - Crackling

... (The **paint** must be low-lustre or satin finish to make sure it doesn't absorb the **crackle medium**.) If necessary, apply a second coat of **paint** for an even ...  
[www.bhg.com.au/home\\_improvement.nsf/Content/Painting+-+Painted+Effects+-+Crackling](http://www.bhg.com.au/home_improvement.nsf/Content/Painting+-+Painted+Effects+-+Crackling) - 25k - Sep 7,

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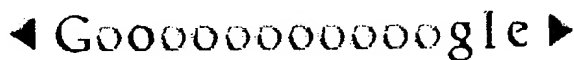


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[Arnie's Arts 'n Craft Supplies - Houghton Lake, Michigan](#)

... Apply a heavy basecoat of acrylic paint to desired surface. Let dry. Generously apply crackle medium with a large soft brush. Do not overbrush. ...

[www.arnies.com/crackle.htm](http://www.arnies.com/crackle.htm) - 11k - [Cached](#) - [Similar pages](#)



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...

... **crackle medium**; paint brush; twigs; 1 large black button; raffia; scrap of country floral fabric, frayed; 1 1/2" woodsie sign; brown craft pen; hot glue gun. ... [crafterscommunity.net/index.php/141](http://crafterscommunity.net/index.php/141) - 44k - Sep 7, 2003 - [Cached](#) - [Similar pages](#)

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... Apply a thin coat of **Crackle Medium** to the sides of the birdhouse. When **medium** is dry, apply another coat of **paint** in another color. ...

[www.hgtv.com/hgtv/ah\\_hobbies\\_interests/article/](http://www.hgtv.com/hgtv/ah_hobbies_interests/article/)0,1801,HGTV\_3121\_1369644,00.html - 32k - [Cached](#) - [Similar pages](#)[Home and Garden Television: Decoupage](#)

... foam brush decoupage image sea sponge Steps: In a cup, mix equal parts

of **paint** and mosaic **crackle medium** using a palette knife. ...[www.hgtv.com/hgtv/dc\\_faux\\_decoupage/article/](http://www.hgtv.com/hgtv/dc_faux_decoupage/article/)0,1793,HGTV\_3397\_1369633,00.html - 38k - [Cached](#) - [Similar pages](#)[\[ More results from www.hgtv.com \]](#)[Home Decorating/Furnishing Projects: Painting](#)

... a second color. Almost instantly, the **crackle medium** causes the top coat of **paint** to **crackle** randomly, revealing the base color. ...

[www.startribune.com/homezone/projects/painting/crackled.html](http://www.startribune.com/homezone/projects/painting/crackled.html) - 14k - [Cached](#) - [Similar pages](#)[crackle](#)

... **Crackle Medium** is used to make **paint** crack. The **medium** is applied to a non-porous surface and then **paint** is laid over the dried **medium**. ...

[www.masterstrokes.com.au/Finishes/Cracklemedium/](http://www.masterstrokes.com.au/Finishes/Cracklemedium/) - 14k - [Cached](#) - [Similar pages](#)[Art Supplies > Paint 2 Purchase, Shop, Buy, Review, Order](#)

... Folk Art Floating **Medium** 2 oz; Folk Art Glazing **Medium** 2 oz; Folk Art Metallic **Paint** 2 oz; Fragile **Crackle Medium**-Step 1 & 2 - 2 Ounces Each; Glitter Fabric **Paint** ...

[www.leavenjournal.com/Art-Supplies-Paint-2.htm](http://www.leavenjournal.com/Art-Supplies-Paint-2.htm) - 16k - [Cached](#) - [Similar pages](#)[Stencil Planet: Paint Medium](#)

... Basket: none. **Crackle medium** can be used with any acrylic **paint** to create different aged effects. 2 oz. (59 ml) bottle. FolkArt Glazing ...

[stencilplanet.com/Merchant2/merchant.mv?Screen=CTGY&Store\\_Code=1&Category\\_Code=404](http://stencilplanet.com/Merchant2/merchant.mv?Screen=CTGY&Store_Code=1&Category_Code=404) - 15k -[Cached](#) - [Similar pages](#)[Anybody experienced with doing crackle finishes](#)

... cabinet. I have had a hard time getting the **paint** to stick to the **crackle medium**. I am on my second attempt. I stripped the first one. ...

[ths.gardenweb.com/forums/load/tole/msg0222392524018.html](http://ths.gardenweb.com/forums/load/tole/msg0222392524018.html) - 4k - [Cached](#) - [Similar pages](#)[Ceramcoat Crackle Medium 2 oz.](#)

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acrylic **paint** is used to achieve the popular look of aged **paint**. ...

[www.hotshopspot.com/craftsupplies.shtml?showdetailed=Ceramcoat%20Crackle%20Medium%202%20oz](http://www.hotshopspot.com/craftsupplies.shtml?showdetailed=Ceramcoat%20Crackle%20Medium%202%20oz). -

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**How can I make a crackled-paint finish?**

... (You don't want to let that spiffy new finish get old and worn!). Instead of using glue, you could use a **crackle medium** available from craft and **paint** stores. ...

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